HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.6801 of 2006
Date of decision : 19.12.2006.

Narinder Kumar and another .....Petitioners

versus

Sohan Lal and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Ashok Kumar Khunger, Advocate for the petitioners.

* * *

ORDER

HEMANT GUPTA, J. (Oral)

Plaintiff-petitioners filed a suit for permanent injunction to restrain the defendants from dispossessing the plaintiffs forcibly and illegally from the shop measuring 3` x 4-1/2' . In the said suit, the defendants filed a counter claim calling upon the plaintiffs to deliver the actual physical possession of one Almirah/site measuring 3' x 4-1/2'. The suit was dismissed by the learned trial Court on 15.4.2005 and the counter claim was decreed. In execution of the said decree, the Bailiff has handed over the articles recovered from the premises, to a Superdar while seeking permission to deliver possession after breaking the locks of the premises.

The learned Executing Court has found that the objection filed by the petitioners is to delay the execution of the decree which has attained finality. The possession has to be delivered to the decree holders in terms of the decree affirmed by the learned First Appellate Court. But, it is open to the petitioners to take possession of the goods delivered by the Bailiff to Superdar, by moving an appropriate application before the learned Executing Court.

There is no illegality or irregularity in the order passed by the learned Executing Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

The revision petition stands dismissed.

(HEMANT GUPTA)
JUDGE

December 19, 2006
**mohinder*